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# Appointing Officers and Civil Service Regulations

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ADDRESS BY ANDREW S. DRAPER, LL.D., COMMISSIONER OF EDUCATION OF THE STATE OF NEW YORK, AT THE CONFERENCE OF STATE AND MUNICIPAL CIVIL SERVICE COMMISSIONERS, HELD IN THE SENATE CHAMBER, AT ALBANY, ON OCTOBER 11, 1906.

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Mr. President:

You have very courteously invited me to discuss the State civil service laws and regulations from the standpoint of officers who have appointments to make. If a multiplicity of appointments could qualify one for the duty I might be expected to be able to meet it, for there are something like three hundred employees in the Education Department and there are few of them whose status has not been changed, upon my responsibility, in the last two and a half years, since the educational unification act went into operation. Still, I am bound to say that I have no special preparation for the task your courtesy has assigned to me, and I know I shall stand sorely in need of your consideration when I accept such a conspicuous and favorable opportunity for the expression of my rambling thoughts upon an exceedingly important subject.

### A GLANCE AT THE STATE SERVICE.

The last report of your Commission, Mr. President, shows that January 1, 1906, there were 84,479 persons in the employ of the State and the counties and cities of the State subject to civil service laws. Of these, 61,861 were in the classified service. I have no exact information concerning the compensation of this service. If the average annual salary is \$750, which seems small, then the total cost is about \$63,000,000. To

insure decent appointments, to protect places from imposition and occupants from outrage, to encourage competency and assiduity by proper rewards and make certain of reasonable justice as between rivals, to keep all of this employment and all of this money from appealing to the cupidity of the indolent and from debauching the sentiment of the State, to assure a service which is competent, alert, responsive, and polite, and which at the same time can be resistive and which will never sell out the interests for which it stands, are a fit study for an expert and a very proper ground for solicitude on the part of all good citizens.

There are plenty of people who are unable to see why unlimited authority does not always put an ideal appointee in every place in the public service. They do not realize that there is no unlimited authority in representative government; that the flesh of popular sentiment and the blood of common support as well as the naked skeleton of statute law are factors in the case; that ideal men seldom want the place, and that unideal men always do; that other tests than written examinations, which often ascertain what one does not know rather than what he does know, are necessary to determine one's fitness for a place; and that temperament and adaptiveness, even discrimination, experience and courage, are quite as vital as literary scholarship and general culture to expertness and usefulness in the public service.

#### DIVERS VIEWS AS TO THE FILLING OF OFFICES.

There are other people to whom it has never occurred that any American citizen needs any other qualification than that of getting enough votes for an office, or gathering enough influence to secure an appoint-



ment, in order to prepare him for any office from the Presidency to the constablenesship with which one of the Presidents frequently boasted that he began his official life. They do not see why one has anything to do with politics if it is not to secure a job. Their wrath runs high if offices are not the early fruits of their political victories; though their faith is shaken when it comes to the victories of the other people. They do not know, or if they do they are—for the time being—indifferent to the fact that any such theory is the sure forerunner of both personal and party humiliation.

There are still other people, and many of them, who do not take the trouble to think about the matter, who care for little which does not promise advantage to themselves, and who lack the taste or the energy for political activity. They keep quiet, refrain from stirring opposition, and take advantage of any wind from any quarter. When they want something, they want it very badly. Then they cannot understand why every interest should not turn aside for theirs. Seeking something, they think that the laws and rules are made only to fool the uninitiated, and when disappointed they are very skeptical about square and honest men in public life. Passing for most excellent people, professing rectitude and possessing it so long as no selfish interest is in the way, they are singularly deaf to all reason and blind to all principle when a real test comes and conscience toys with temptation.

As there are people, so there are appointing officers, with very diverse outlooks. I have no means of striking an average between or making a composite picture of them. So I must proceed from my own point of view. Of course, that has been determined by my reading and my experiences.

## ARGUMENTS FROM POLITICAL EXPERIENCE.

I have not been without experiences in politics. They were costly in time and productivity, but perhaps worth while. I do not look back upon those experiences with unlimited satisfaction, but I am grateful for the influences which they have exerted upon my understanding. There are two men, so far as politics are concerned, for whom I am sorry. One is the man in politics who has no other means of getting a living and no other entertainment than the excitement of the political campaign, and the other is the man out of politics who has never had the exhilaration of following a flag, the hilarity of whooping it up for a party ticket, the supreme joy of figuring up the returns on election night and finding that enough saints have, in the course of the day, recorded themselves upon—what seems to him—the Lord's side of the fight.

If there are any men who ought to command our admiration they are the men who are fitted for a profession or a vocation and live, or may easily live by it and yet are decisive enough to be interested in politics, energetic enough to sustain a party, and capable and patriotic enough to be safe factors in the public service when occasion arises for it. Then if they develop real adaptation to public life they bring great strength to it. They are safer and more successful in the executive offices of the State or in the Legislature than others because they know the outlook and the ways of politics and are familiar with the routine and the atmosphere of official functions. There are altogether too sweeping popular impressions against men who are successful in politics and prominent in public life. As a rule they average quite as honest as other men would in like situation. They have gathered strength and bal-



ance out of their experiences. They see the best road more clearly than the inexperienced, and are able to withstand storms which would overwhelm the uninitiated.

#### POLITICIANS NOT UNREASONABLE ABOUT APPOINTMENTS.

Such men are not illogical or unreasonable about subordinate appointments. There are no more generous and wholesouled men in the world. They want to help others. They have been supported by others and the sense of gratitude has been developed with their other senses. The one thing that they can not afford is to be outwitted by other men in politics. It is death to be unable to get plunder which others can get. They have never accepted in its completeness the doctrine that the blood of the martyrs is the seed of the church. Whether it is or not, they do not intend to supply any blood for any such purpose. But they appreciate the necessity of observing principles and the need of laws quite as well as other people, and if satisfied that these are being executed on the square, and that no hidden advantage is being given to another, they are ordinarily content. It is certainly within the fact that they are more philosophical than other people in quest of a job when disappointed, or that their discontent is better concealed and their grief less persistent. Wherever the factor of personal recommendation comes in, theirs is quite as discriminating and reliable as that of other people.

#### CHANGES IN THE LAST TWENTY-FIVE YEARS.

There have been overwhelming changes about all this in twenty-five years. A friend told me the other day of going to the head of one of the State Departments in the early 80's and asking for a vacant clerkship of a

low grade. The answer was: "Young man, this is a political place. If you haven't got the most influence you can't get it." That evidences a state of things which is impossible now. It was possible then only because the public service was, even such a little time ago, primitive. In thirty years the things which the State and the municipalities are expected to do and the number of people who have to be employed to do them, have multiplied overwhelmingly. The growth of the service has created the necessity of going back to basic principles and making laws and regulations for their enforcement.

There are reasons enough why one who comes to the headship of a great department or an important work should have immediate and confidential assistants of his own free choice, so far as may be necessary to his personal comfort, to securing accurate information, and to executing any plans within the terms of his commission. There is no reason why all ordinary positions, capable of classification, which claim competency possible of measurement by known standards and which have no influence over any policies which the head of the department has been set to execute, should become the corrupting stakes of political contests.

And not only the decency and integrity of political parties, but the imperative efficiency of the public service, the respectability and responsiveness of the service, the superior rights of persons of proved competency and adaptability in the public service, the rights of all who may be ambitious to enter the service, and the steadily unfolding progress of the State, are all against it.

EATON, CURTIS, SCHURZ.

It is easier to see that and to say it now than it used to be. Indeed, there was not the need of saying



it in the earlier and more primitive times. When the need came, it took unusual and convincing foresight and much courage to say it. The men who did say it were considered prude and freakish and were visited with sarcasm and ridicule by the hotheaded and unthinking. The refinement and sensitiveness of Dorman B. Eaton, George William Curtis and Carl Schurz suffered keenly because of their convictions and their courage upon this subject. But their names will be familiar after those of multitudes who barked at them are forgotten.

When Senator Conkling, in the memorable Rochester convention of September, 1877, made his quite as memorable declaration that "When Dr. Johnson defined patriotism as the last refuge of a scoundrel, he was unconscious of the then undeveloped capabilities and uses of the word 'reform,'" he was shaping a phrase to delight the delegates, but he was illustrating to us the distance between the general trend of the thinking of that day and the well established and accepted policies of our day.

When Senator Ingalls went to the White House and asked President Harrison to turn out a Democrat and appoint a Republican to a postoffice in Kansas, the President asked him how long before the term of the incumbent would end, and the Senator said he thought about three years. "Then Mr. Cleveland allowed his Republican predecessor to fill out his term; don't you think we ought to do as well as Mr. Cleveland did?" asked the President. "But, Mr. President," snapped the Senator, "before you follow Mr. Cleveland too much you had better think where Mr. Cleveland is now." He could not foresee then that Mr. Cleve-

land's road was to speedily lead to the White House a second time.

WHY CIVIL SERVICE REFORMERS SUPPORTED CLEVELAND.

Between the stinging remarks of these two brilliant Senators something had happened which gave introspection and courage to presidents, if not to all senators. In the presidential campaign of 1884 it fell upon me to be chairman of the executive, or campaign, committee of the Republican State Committee. You will some of you recall that there was some lack of enthusiasm and hilarity on my side in the week following the election. After it was all over I asked Mr. George Williams Curtis why all of the Civil Service Reform people supported Mr. Cleveland, and he told me a story. He said that in the middle of the campaign a hundred of the leaders of civil service reform held a secret meeting in New York. They had become embittered through the indifference of the Republican leaders, were ready to do almost anything, and undecided what to do. It was finally decided that Mr. Curtis should communicate with Mr. Cleveland, and then advise his associates and they would act upon his advice. He had no acquaintance with Mr. Cleveland and determined to write him a letter, which he intrusted to a mutual friend with the understanding that it should first be shown to Mr. Cleveland and then delivered only if he should express his willingness to receive and answer it. The letter was shown to him in the Governor's office in this building, on a hot, August day. Somewhat to the surprise of those concerned, the one to whom it was addressed said at once that he would gladly receive it and if his friend would return in an hour the answer would be ready for him. That answer set all of the influences at the command of the



“reformers” into active operation for the Democratic candidate. Everybody knows now that they were sufficient to change the result of the election. Perhaps other interests were sufficient, but this was certainly sufficient. Such a change, from such a cause, was enlightening. It was enough to clarify the outlook of Presidents and Senators and all the rest of us who were not too obtuse to be in the reckoning.

DORMAN B. EATON'S WORK.

Mr. Dorman B. Eaton, who was for years the President of the National Civil Service Commission, wrote a book upon the civil service system of Great Britain some thirty years ago. At the request of President Hayes he visited England to investigate and report upon the system. He was obliged to do it without being reimbursed for his services or even his expenses by the government. His report was published as a private venture. It was not light reading. It was a long book, closely printed. It was a heavy book, in two senses. I bought and read it. I have just looked it up in anticipation of this address. I read it through, for I find my pencil marks and marginal comments from beginning to end. The comments are not just what I would make now. That was in 1882. Mr. President, it was before your Commission had been created. I had been chairman of the Republican County Committee of Albany county for three years and was just breaking out the road to the State Committee. I do not mind saying that that book is an evidence which I would not now willingly dispense with. Either I was not as bad as I half believed I was in the midst of my youthful political activities, or else I made use of the best means of enlightenment before some

older and very much more prominent men than I thought well to do so.

BRITISH AND AMERICAN CIVIL SERVICES COMPARED.

The book made an impression, for it treated in a very able way a very great subject. It is probably within the fact to say that in point of capacity and integrity there is no public service in the world equal to that of Great Britain. At Liverpool, or Halifax, or Melbourne, or Hong Kong, or Singapore, or wherever else the "Union Jack" floats, one may do business with a British officer who is an honest man and who capably represents the British crown. Perhaps I ought to qualify. You may do business with him—if he is ready. It takes him a long time to get ready. He might remind you of the blunt old lady who, sitting on the middle of a bench in Central Park and asked by a young man with his girl to move along so that they might sit together, answered, "No, I won't. New York ain't no place to be accommodatin' in." If he did, it would not be because he dropped the same letters she did, or had her pestiferous feelings, but because his temperament makes him deliberate and his training makes him resistive. In any event, he is part of a great, honest, and uniformly intelligent service. If he could have a little more of bending courtesy, a trifle more of cordial politeness, he would approach the ideal. As it is, he is a good character. He is made a better character because of the pride he has in his service. He puts H. M. S. (His Majesty's Service) upon his engraved visiting cards, and he writes it after his name in the hotel registers with the air of a man who feels that it is an honor to be associated with the British civil service.

The American cosmopolitan character, and particu-



larly the jovial spirit of American politics, puts into the American public service the factors which the English service lacks. But the American service has not yet acquired all of the desirable ingredients which the British service has. It is not so old and, aside from that, it has more to contend with.

#### THE CAUSES OF THE DIFFERENCE.

The provision in Magna Charta by which the King engaged not to "make any justices, constables, sheriffs, or baliffs, but of such as know the law of the realm," was the first real stroke at the theory of the feudal kings that all public offices were their personal prerequisites and that all appointees must become their personal retainers and supporters. But no one then conceived the extent of the intricacies of modern public service. It was six hundred years after Magna Charta before Great Britain began to take a rational attitude concerning the constitution of the civil service. We separated from her without bringing away any information or any laws or traditions upon that subject, and until real needs and dangers appeared the pioneer life and democratic government in this country were not as favorable to the systematic organization and regulation of the public service here as the economic and political conditions in the old country were favorable to it there.

Our country is a democracy. The British empire is a monarchy—a limited monarchy, it is true, but still a monarchy. Kings and queens may come and go, but the crown stays in the family and goes on forever. They are never torn up by a presidential election. That is not saying that it would not be better if they were. Their parliamentary elections are far less frequent than ours. And when the control passes from one party to another and a new cabinet results, it has no effect upon

the personnel of the civil service. They are distinctly opposed to frequent changes, while we seem to like them. But that is perhaps the least of it. The masses are deliberately kept from thinking that they may enter the public service. The sons of the higher orders are especially trained for that service. All the rest are destined to simple, unofficial employment, if not to personal service. They are in a bad, though rather promising mix-up over there just now about elementary schools. They have no such universal, common, primary school system as ours. They have universities for the higher classes but the humbler classes do not think of going to them. They do not hear that if they do not go to college they will miss their opportunity in life. There is no system of high schools to connect the elementary schools with the universities. The boys are not told that they have an equal chance with every other boy to get up near the headship of the kingdom. If they were told so it would not be true. Not many are even headed for clerkships. The great body are destined for manual work. They follow their fathers. But they are not troubled about it. They are a capable, substantial, deliberate and contented people, who often have a better time of it and live longer than some of us who are everlastingly scrambling for the mountain peaks of learning and opportunity. That is not saying that it is not better to scramble. It is only proving the point that they have had less to contend with than we in perfecting their civil service.

COMPLEXITY OF THE QUESTIONS THAT ARISE IN THE APPLICATION  
OF THE COMPETITIVE SYSTEM.

There is no better evidence of the ability of the American spirit to meet difficult questions, and of democratic government to surmount troublesome situa-



tions, than appears in the rapid strides which have been made in this country in the growth and the regulation of the civil service. It is a cumbersome, involved, and exceedingly sensitive subject. The interests of the service call for work of widely differing qualities. Men and women are very unlike in their capacity for doing things. That must be sifted out somewhat before the original appointment. Then, officials and clerks are very unlike about learning to do things after they have the opportunity. One becomes very expert, handy, agreeable, helpful and happy. Another grows moody, jealous, subtle, and troublesome. If rewarded on the basis of merit, the first would go forward rapidly—and the other would go out. But there are endless things in public administration which in justice ought to be done which it is not expedient to do. You must be cautious about favoritism and prejudice. Time often helps you. If time does not settle the matter for you, you had better settle it for yourself, if you can. But the common rights of all citizens, and the legal rights of all in the public service must be absolutely guarded; and the moral rights which one always acquires through honesty, assiduity and real competency in doing things must be recognized also. In some way, especially trained men and women, who are few in numbers and who are not hunting places, must be had for specially expert duties. Graduates of the advanced schools must have due credit for that. The presumptions are in their favor. But the fact that a great many men and women who have never been in college can do a great many things better than a great many men and women who have been to college, must have recognition **also**. The situations are innumerable and their different shadings utterly beyond the common comprehension.

LAWS AND REGULATIONS MUST BE STEADY AND EFFECTIVE.

So far as may be, it is all to be governed by law and regulation. A system of laws and regulations which assumes to do it will be as complicated as the civil or penal code. It must be changed to meet new conditions, and it must be responsive to the growth of the service and the experiences of men and women who want to perfect it. Yet it must not be fickle. There must be substance and steadiness about it. It must stand the test of critical investigation. It must justify itself by its operation. It must accomplish what it undertakes.

Any lack of integrity in the system is absolutely fatal to it. If anybody can tamper with it; if things can be done in the dark which will not stand the light of day; if there are subtleties about it which really help partisanship, and if the men who are set to execute it are not its sincere friends, there is little hope for it. It is an accepted principle of international maritime law that a blockade in order to be binding must be effective. That is, that the law of nations will not allow a power at war to capture a neutral at a blockaded port unless it maintains a blockade which is effective enough to capture or be a real danger to all neutrals. In other words, a nation must do what it pretends, and it must be disposed and able to treat all alike. That principal is as vital in civil service law as in sea-going law. Whatever is undertaken must be efficiently accomplished, the blockade must be effective, and all in like situations must be treated exactly alike, so far as law and regulation and sound purpose and good judgment can do it.

AND MUST BE INTERPRETED WITH SINCERITY AND GOOD SENSE.

But again, while the civil service is to be con-

trolled by law, the law is to be interpreted and executed by rational men. It is difficult, often impossible, to make a rule of law to meet all cases. So, in the enlargement and the management of the civil service, arbitrary devices or even set examinations do not meet all situations. Absolute justice as between candidates for appointment or as between associate employees desiring promotion is not possible. If nothing but an inflexible rule, or the ability to pass examinations set by persons who can not know the personal qualities of the candidate, were to govern, justice would often miscarry very widely. All persons charged with the execution of the laws study their purpose and observe their intent. One who does that rationally and sincerely and who cannot be pulled around by personal or selfish interests need not be afraid. No censure worth minding falls upon an administrative officer who mixes with the law that guides him the good sense which he ought to have and the genuine intention to gain the law's ends which must be a part of his official equipment.

#### THE PROPER USE OF DISCRETION.

But the civil service laws go further than that. They expressly confer a wide discretion upon civil service officers and upon appointing officers. They expect all such officers to make liberal allowance for discipline gained in regular study in organized institutions, for actual experience and accomplishment as against the mere ability to pass examinations, for special study for special duties, for expertness in manipulation, for length of service, and for about everything which shows that one person has any real claim to consideration above another. And I am not sure that with the general acceptance of the essential principles of civil service regu-



lation, and with the fact that there is to be no hidden or unworthy preference given to anyone, thoroughly established, there will not be quite as much hurt to the service from the disinclination of officers to exercise the discretion which the law reposes in them as from any improper or corrupt stretching of it beyond its proper limits. There are plenty of officials who put responsibilities upon the law which the law puts upon officials. It is a convenient and safe way for the officials, but it often defeats the ends of the law and of administration. To be good laws, the civil service laws, above all laws, must have good executors.

#### THE POWER OF REMOVAL.

The point of civil service regulations is to guard appointments against incompetence, partisanship, favoritism and greed, and not to retain unsatisfactory employees in positions. If there is no way of getting a favorite into a vacancy, there is little probability that the vacancy will be created without reason. Common sentiment seems to exact less of an official clerk or messenger in a public office than in private employment. The head of the department who exacts what the manager of a private establishment must exact of employees gets much criticism for it. This is unjust, but it influences official action. If the official expects to bear his responsibility but for a couple of years, he is likely to fail to see a good many things which he will feel obliged to see if this responsibility is to be continuing. But in any event it is far from an agreeable duty to discharge an employee in a public office, and in the absence of the unlimited authority to fill the place there is more likelihood of too much that is wrong being submitted to than there is that there will be any undue exercise of the power of removal.

## THE NECESSITY OF A JUST AND SENSIBLE REGIME.

Discipline, the daily atmosphere which exacts regularity of attendance, aptness for work, responsiveness to authority, cheerfulness and self-respect, responsibility for specific duties and quick accountability, is as important to public service as original appointments or promotions in the service. That depends, not upon benevolent preachments alone, but upon rewards and punishments as well. It would be agreeable if we could feel that all people have correct intentions and character enough to carry them out. It would even be delightful if all the members of a large force of employees would do as well as they know. The larger number will; but the number who will see what kind of stuff their supervision is made of, who will think maneuvering will gain them an advantage, and who will limit their travels in the wrong direction only by the likelihood of their losing their heads, is by no means a negligible quantity. If they can rely upon outside influence to protect them against themselves, the service is broken down, every honest associate in the service is outraged, and they themselves are doomed to mediocrity and to a dependent, hollow, false life. Regime—system—is imperative. It is stronger than individuals; it is the helper and the protection of individuals. It is not easily corruptible and it is not quickly fickle. But it is to be based upon justice and guided by sense. Theory and practice must be consistent; law and administration must co-operate; civil service commissions and executive officers and subordinate employees must all help one another in cheerful submission to a system which is greater than any of them;

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and public sentiment must be educated to sustain both public law and public officers, if there is to be any satisfaction in public service and if the high ends of democratic government are to be reasonably or measurably met.

BOYS AND GIRLS IN THE PUBLIC SERVICE.

There is no trouble about original appointments to subordinate positions. About all that mere youngsters are good for is to try examinations. All they can ordinarily show is what they can do in passing examinations. Just out of school, they can often do that better than their elders can. It does not prove a great deal—about enough to entitle the best of them to their chance. It is convenient enough for an appointing officer to push a button when there is a vacancy, get the three names which stand at the head of the eligible list, look the aspirants over, find that some won't do at all, and that others are getting better than \$30 per month, and finally pick out the one who has come up with his first real opportunity in the world and is anxious to seize it.

As you go on the road, the big potatoes work to the top, the medium ones hold comfortable but not conspicuous places in the middle of the load, and the little ones work out under the tail-board of the wagon. So it is with boys and girls in the public service. There is some difficulty in so arranging it that the ones who are destined for the top can get there as soon as they ought, and so that the ones who must work out under the end-board shall accomplish that as soon as may be well, but, happily, they are young and can wait, and what ought to be comes around in some way in its own good time.



## OLDER AND MORE EXPERT PEOPLE—PROMOTION.

When it comes to higher grade positions and to more highly specialized duties, and to older and more expert people who have already had their feet on the ground and accomplished some things, the course is not so clear. Some preference should, in all justice to individuals, and for the highest good of the service, be given to those who are in the line of promotion, have proved their worth in subordinate places, have shown their disposition to make the most of themselves and of their opportunities, and are familiar with routine. How much preference should be given them is a question which none but a sane and true Civil Service Commission is legally competent to determine. Certainly that preference should not go so far as to lead any to think that all must come in at the foot of the service, or that all who do will reach the top if only they outlive all the rest. The factors that give them the right to special preferment must clearly be special and all-around intellectual resourcefulness, special aptness and expertness, and special worth because of special accomplishments. Everyone who has rendered a specially faithful and competent service to his state or city has laid the state or city under some obligation to him, which ought to be regarded when the opportunity for rewarding that service arises. But this can hardly be carried so far as to exclude all the others who may have a broader culture, greater resourcefulness and keener competency gained in study and training in other lines either outside or inside of the public service. Here the examination must be deeper and more specialized, and when it is and allowance is made for things done and for recognized qualifications outside of the ability

to pass set examinations, no injustice is likely to be done.

AS TO EXAMINATIONS FOR PROMOTIONS.

I do not wish to seem to underestimate the value of examinations in the middle grades of the service. If duties are special, they claim some special mastery of a subject. One who has mastered a special field is likely to be able to show it in an examination, and one who has not is likely to reveal the fact that he has not mastered the subject. If he does not remember a particular fact, which may be but ought hardly to be called for in an examination, he can certainly show the extent of his grasp of the subject. If examinations are set to elicit what candidates know, rather than what they do not know, there will be little difficulty. And the ability to write intelligently and intelligibly about what one knows is the best proof of the special knowledge and of the general competency which are equally requisite.

QUERY—SHOULD NOT STATE ACADEMIC EXAMINATIONS BE ACCEPTED.

In this connection it may be worth while to inquire why it is not practicable to accept in civil service tests the credits which candidates may have earned in the State academic examinations. Examinations ought not to be unnecessarily multiplied. Each part of the public service may well support other parts, when it may. Work in the secondary schools might, so far as I can see, very well be encouraged by the support which recognition in the public service would give to it. It is not only recognized but required for admission to the colleges and the learned professions. The academic examinations are very well set. We hope that they are to be still better prepared through the management of the State Examinations Board which is just

being organized, whose function it will be to make the examinations illustrative of the best teaching and responsive to the latest educational progress. No one questions the integrity of the academic examinations. They are practically universal in the State except in the City of New York and are now to become operative in that city, for the Board of Education of that city yesterday determined to make them so. The system distinguishes our State. Its results are recognized in all the States. They are accorded good value for all purposes in this State except for admission to the civil service. A State standard good for one State purpose ought to be good for other State purposes at least. These standards represent good and uniformly reliable educational values, better than any others in America outside of the good colleges and universities. They are, I know, having some inevitable bearing upon civil service appointments. Why should they not have complete and legal recognition? It would doubtless lighten the burdens of the civil service examiners and articulate your work with that of the State Education Department in ways which would be to the advantage of all interests that are concerned.

#### SPECIALLY TRAINED EXPERTS.

Returning to the subject from which there has been a slight digression, it is submitted that perhaps the most difficult task with which the public service has to deal is the securing of specially trained experts for the highest positions in the service. Very likely the very technical scientific and library work of the State, which is in charge of the Education Department, makes that department peculiarly subject to this difficulty. It frequently happens that we must have specialists like whom there are not many in the nation. We need the



best there is. The man whom we want is not looking for a place. He is already in one where he is esteemed, and he is hardly open to negotiations because he does not wish to seem to lightly regard the place where he is, or to disturb his present employers without practical certainty that the way is open to him to go to another place of greater conspicuity, emoluments and usefulness. He does not wish to sign a formal application and he would refuse to submit to a written examination. We have had several situations like this on our hands in the past year, and we have secured the men we wanted through the very cordial sympathy and the very wise course of the State Civil Service Commission, who have employed special examiners of well-known standing and complete information of the subject to make ratings of the men who were in the zone of consideration, and available. And doubtless we should not trouble ourselves overmuch so long as things go well, but one can not help wondering what might happen if a less discriminating and courageous attitude should be taken by a Commission. There are not a few instances and many shadings of situations such as I have described which are exceptional and were not contemplated by the civil service laws, and must have the help of the Civil Service Commission if the laws and regulations are to level up and not level down.

#### THE LAW AND THE COMMISSION.

On the whole, I am glad enough to be able to say freely that I have no adverse comment to pass upon the laws and regulations, and no criticism to make upon the course of the Civil Service Commission. The system, though intricate and involved, seems very complete, and the Commission and its officers have evinced every disposition to meet real situations in practical

ways. We have clearly had the same purposes and ends in view, and when that is true discussion and co-operation find the way out.

Indeed, I have some sense of personal obligation. If, since the educational reorganization in this State, it had been necessary for me to measure up the scholarship of all of the employees of the two former departments and of others who wanted appointments, or if it had been necessary to weigh the rival influences which those people might bring to bear, nothing else would have been done and I would have been utterly destroyed in the midst of an impossible undertaking.

It is a pleasure to express very earnestly my estimate of the work of the Commission, in view of the difficulties with which it has to deal, and the allurements, the scarcely disguised coercion, and the subtle temptations which it must resist. It is doubtful if any of the rest of us have so exacting and perhaps so thankless a mission, and none of us, not even the Court of Appeals with all its legal subtleties, or the Superintendent of Public Buildings with all of his persistent tribulations, are entitled to so much public gratitude for public service so provocative of ill temper, when it is done with a rectitude and sagacity that produces such a minimum of swearing.

#### WHAT NEW YORK DOES OTHER STATES WILL DO.

It is a great privilege to engage in the public service of the central State in the Union. It is a great honor and a great responsibility to be trusted with legal authority bearing upon the character and the competency of that service. What New York does other States will do. No State dare turn back from the task of making its public service the cleanest and the best that it can. But a State will go forward only as

fast as the civic spirit and conscience gain the strength and find the way to overcome the forces which would debauch and dishonor it, and wake to activity the forces which have good intentions but mighty indifferent ways of giving them effect. It often seems as though a State will go forward upon moral questions only as fast as the dangers menace and the needs compel. But there is great satisfaction in the fact that a State never goes back, that it goes steadily forward as fast as the urgent needs of its public life demand, and that when an American community is really aroused and has a chance upon moral questions, it uniformly throws the weight of its conscience upon the right side and breaks out the road for a distinct advance. The opportunities in this State have not been infrequent, and the uplifts have not been few or inconsequential. The outlook is encouraging. The State is doing more things and doing them better than it used to do. In its wealth, physical energy, industrial enterprises, and educational activity, in the spirit, the cleanliness, and the scientific capacity of its professional life, in new and great engineering undertakings, and in the rational freedom and the independent and courageous expression of its thinking; it brings untold advantage to all who have any part in its onward sweep. It is a great honor to have any opportunity to weave a single thread into such a history. Such a thread should not be colored too much by partisanship, and it should not be rotted by any meanness. If one of that kind is put in, it cannot stay. Time must then be taken to get it out and put in another. Whoever puts in good, clean, strong threads will not claim any return for it. But he will put the Empire State of the Union under obligations to him, and there can be no higher compensation than that.





